

HYSITRON INCORPORATED,
 a Minnesota corporation,

 Plaintiff,

 v.

 MTS SYSTEMS CORPORATION,
 a Minnesota corporation,

 Defendant.

Civil Action No. 07 CV 1533 ADM/AJB

I, Brian Platt, hereby declares as follows:

1. I am an attorney with the law firm of Merchant & Gould located in Minneapolis, Minnesota and represent Plaintiff Hysitron Incorporated (“Hysitron”) in the above-captioned action. This declaration is respectfully submitted in opposition to Defendant’s Motion for Partial Summary Judgment.

2. Attached hereto as Exhibit 1 is a true and accurate copy of “Hysitron” search results for WebCrawler.com dated December 28, 2007.

3. Attached hereto as Exhibit 2 is a true and accurate copy of “Hysitron” search results for excite.com dated December 28, 2007.

4. Attached hereto as Exhibit 3 is a true and accurate copy “Hysitron” search results for dogpile.com dated December 27, 2007.

5. Attached hereto as Exhibit 4 is a true and accurate copy of a letter to Allen Hinderaker dated February 22, 2008 from David P. Pearson.

6. Attached hereto as Exhibit 5 is a true and accurate copy MTS Systems Corporation's Response and Objections to Plaintiff's Second Set of Requests for Production of Documents and Things.

7. Attached hereto as Exhibit 6 is a true and accurate copy of Gmail by Google printout dated April 21, 2008.

8. Attached hereto as Exhibit 7 is a true and correct copy of Edina Realty, Inc. v. TheMLSonline.com, 80 U.S.P.Q.2D (BNA) 1039, 2006 U.S. Dist. LEXIS 13775, (D. Minn. 2006) (Tunheim, J.).

9. Attached hereto as Exhibit 8 is a true and correct copy of the unpublished decision in Google Inc. v. Am. Blind & Wallpaper Factory, Inc., 2007 U.S. Dist. LEXIS 32450 (N.D. Cal. 2007).

10. Attached hereto as Exhibit 9 is a true and correct copy of Gregerson v. Vilana Financial, Inc., 84 U.S.P.Q.2D (BNA) 1245, 2007 U.S. Dist. LEXIS 64960 (D. Minn. 2007) (Montgomery, J.).

11. Attached hereto as Exhibit 10 is a true and correct copy of Coca-Cola Co. v. Purdy, 74 U.S.P.Q.2D (BNA) 1048, 2005 U.S. Dist. LEXIS 1226 (D. Minn. 2005) (Montgomery, J.).

12. Attached hereto as Exhibit 11 is a true and correct copy of J.G. Wentworth, S.S.C., Ltd v. Settlement Funding LLC, 2007 U.S. Dist. LEXIS 288 (E.D. Pa. 2007).

13. Attached hereto as Exhibit 12 is a true and correct copy of Gregerson v. Vilana Financial, Inc., 84 U.S.P.Q.2D (BNA) 1219, 2006 U.S. Dist. LEXIS 81731 (D. Minn. 2006) (Montgomery, J.).

Dated: May 9, 2008

/s/Brian N. Platt

Brian N. Platt